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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/386,000	08/30/1999	KENICHI MIYAZAKI	Q55595	9906

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EXAMINER

MACKEY, PATRICK HEWEY

ART UNIT PAPER NUMBER

3651

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/386,000

Applicant(s)

MIYAZAKI, KENICHI

Examiner

Patrick H. Mackey

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-6,13,15-18,26 and 31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6,13,15-18,26 and 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment filed 11/1/04 has been entered.
2. The previous Office Action did not recite a specific rejection of claim 15. Although claim 15 was not indicated as allowed or allowable, and the claim was indicated as rejected in the Office Action Summary, the applicant has relied on this omission as an indication of allowability regarding claim 15. Therefore, the rejection of claim 15 is stated below, and this Action will not be made Final to give the applicant the opportunity to amend and/or traverse the rejection.
3. The indication of allowability of claims 3 and 4 has been withdrawn

#### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6, 13, 16, 17, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite a sheet feeding area positioned at a height at which a user who is approximately 170 cm tall, standing in front of the printer, does not have bend substantially at the waist when setting up the printing area. What is this height? Is the applicant claiming a person? What does the claim cover, if anything, if the user is 160 cm tall? What if the user is sitting, or kneeling? Is the applicant claiming the actions of a human being in a apparatus claim? One of ordinary skill in the art would not be able to determine if he/she were infringing the claims.

#### ***Claim Rejections - 35 USC § 102***

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6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. As understood, claims 1, 5, 6, 16, 26, and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Yamada et al. Yamada discloses an image forming apparatus that includes at least one roll of paper (102) and one sheet of carton (101), a printing unit (2), a discharged paper stacking unit (301) below the printing unit and in a straight line via a paper path from the feeding unit through the printing unit, an elongative member (104a) and a pair of support members (104b).

8. As understood, claims 13, 18, 26, and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Orbons et al. (EP 0727375 A1).

9. As understood, claims 13, 17, 18, 26, and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the IP-4000 device.

10. As understood, claims 1, 3, 5, 6, 13, 17, 18, 26, and 31 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the OCE 9400 device.

11. As understood, claims 16, 26, and 31 are rejected under 35 U.S.C. 102(b) as being anticipated by Takumi (JP 63154558). Takumi discloses a sheet feeding area with an elongative member and a pair of supports pivotable toward the front of the printer.

***Claim Rejections - 35 USC § 103***

12. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yamada et al. in view of Orbons (EP 0727375 A1). Yamada discloses all the limitations of the claim, but it does not disclose that the paper rolls are arranged obliquely to one another. However, Orbons discloses a sheet feeding unit that includes a plurality of paper rolls arranged obliquely to one

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another for the purpose of simplifying roll replacement. It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify Yamada by having the paper rolls are arranged obliquely to one another, as disclosed by Orbons, for the purpose of simplifying roll replacement.

13. Claims 13 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCulley in view of Smedal. McCulley discloses a paper roll attachment for a type writer that includes a sheet feeding area and a plurality of paper rolls arranged obliquely to each other, a printer (D), and a paper discharge area (generally at 19). McCulley discloses all the limitations of the claims, but it does not disclose a sheet feeding area positioned at a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level. However, Smedal discloses a roll attachment for type writers that includes a frame (5) with a vertical leg (3) adapted to be supported at any elevation (see page 1, lines 85-90), including a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level, for the purpose of adapting the attachment to any type writing machine (see page 1, lines 15-30). It would have been obvious to a person of ordinary skill in the art at the time of the applicant's invention to modify McCulley by utilizing a frame with a vertical leg adapted to be supported at any elevation, including a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect

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in front of the printer and standing substantially at ground level, when the printer is placed substantially at ground level, for the purpose of adapting the attachment to any type writing machine.

14. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hageman in view of Metzner. Hageman discloses a sheet feeding area which includes a roll of paper (46), a sheet of paper (s), and cover members (45/42). Hageman does not disclose that a single cover member extends linearly from an upstream portion to a downstream portion in which the sheet of paper is fed and the cover member is disposed between the sheet of paper and the roll of paper at a location in the sheet feeding area at which the roll of paper is in a rolled shape. Rather Hageman discloses two separate cover members (45, 42). Cover members (42) have a portion that extends linearly (42) that covers a first feeding path for the roll of paper from above and supports the sheet of paper from below. Additionally, cover members (45) have a portion between the sheet of paper (s) and the roll of paper (46) at a location in the sheet feeding area at which the roll of paper is in a rolled shape. However, Metzner discloses a single cover member (23) that extends linearly from an upstream portion to a downstream portion in which a sheet of paper is fed and the cover member is disposed between a sheet of paper and a feed pack at a location in the feed pack area for the purpose of continuously supporting the paper from the pack to the printing area. It would have been obvious for a person of ordinary skill in the art at the time of the applicant's invention to modify Hageman by utilizing a single cover member that extends linearly from an upstream portion to a downstream portion in which a sheet of paper is fed and the cover member is disposed between a sheet of paper and a feed pack at a location in the feed pack area for the purpose of continuously supporting the paper from the roll to the printing area.

***Response to Arguments***

15. Applicant's arguments filed 11/1/2004 have been fully considered but they are not persuasive.

16. The applicant states that one of ordinary skill in the art would be able to determine if he/she were infringing the claims by determining whether an exemplary user being approximately 170 cm tall can set up the medium without having to bend substantially at the waist. The examiner disagrees. What if the user has long arms? What if the user has short legs? What if the user ages and due to calcium loss and/or spinal compression no longer has the same reach? What is the range of heights the applicant intends the claim to cover and what is the basis in the specification for this assertion? The examiner has rejected the claims containing this language using various prior art showing various heights. Each rejection has been traversed by the applicant stating that the art does not disclose the claimed height (i.e. the claim does not cover the height disclosed by the art). If this language is not indefinite, why is it that the examiner, after 5 years of reviewing the language, still does not know this height.

17. The applicant states that the IP-4000 device does not disclose "a sheet feeding area positioned at a height at which a user, who is approximately 170 cm tall, can set up a printing medium without having to bend substantially at the waist when the user is standing erect in front of the printer and standing substantially at ground level." In response, see the dimensions on page 3.

18. The applicant states that the IP-4000 device does not disclose "a paper feeding path extending from the paper feeding area to the paper discharge area via the printing area, wherein the paper feeding area is located in an upper rear portion of the printer and the paper discharge

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area is located in a lower front portion of the printer. In response, note the figures on the cover and page 2.

19. The applicant states that the IP-4000 device does not disclose a sheet feeding area operable to feed a plurality of paper rolls of the recited dimensions, a substantially flat sheet of paper of the recited dimensions and a stiff carton of the recited dimensions. In response, see at least the chart on page 3 and the figures showing dimensions on page 3.

20. The applicant states that the examiner has failed to establish that the OCE 9400 Device is prior art. In response see pages 3-4 in the MSM Online publication noted as item W on the PTO-form 892 mailed on 7/30/04.

21. The examiner incorporates all previous responses to the applicant's remarks.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Patrick H. Mackey whose telephone number is (703) 308-0630.

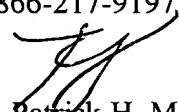
The examiner can normally be reached on Tuesday-Friday 7:00 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-2560. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Patrick H. Mackey  
Primary Examiner  
Art Unit 3651

January 18, 2005